

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT,

Plaintiff,

V.

WALMART,

Defendant.

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8:15CV300

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis (Filing No. [22](#)). Plaintiff filed a Notice of Appeal (Filing No. [19](#)) on April 27, 2016, along with a Motion for Leave to Appeal in Forma Pauperis (Filing No. [20](#).) On May 2, 2016, Plaintiff filed another Notice of Appeal (Filing No. [21](#)), as well as a second Motion for Leave to Appeal in Forma Pauperis. (Filing No. [22](#).) Plaintiff's May 2, 2016 Notice of Appeal relates to the court's Memorandum and Order dated April 25, 2016 (Filing No. [17](#)).

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in

writing its reasons for the certification or finding . . . .

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal in Forma Pauperis (Filing No. [22](#)) is granted.
2. Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. [20](#)) is denied.
3. The Clerk of Court shall provide the Eighth Circuit Court of Appeals with a copy of this order.

DATED this 3rd day of May, 2016.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge